


PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) NGB-32439	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number 09/528,126	Filed March 17, 2000
		First Named Inventor Noriyoshi Satoh et al	
		Art Unit 2618	Examiner Richard Chan
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>57076</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 45%; text-align: center;"> _____ Signature Brad C. Spencer _____ Typed or printed name 216-579-1700 _____ Telephone number July 1, 2010 _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted.</p>			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Noriyoshi Satoh *et al.*
Appln. No. : 09/528,126
Filed : March 17, 2000
Title : RADIO TERMINAL DEVICE
Conf. No. : 2947
TC/A.U. : 2618
Examiner : Richard Chan
Customer No. : 52054
Docket No. : NGB-32439

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Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejections of claims 1-9 set forth in an Office action dated April 12, 2010 (Paper No. 20100326). No amendments are being filed with this request. A Notice of Appeal accompanies this request.

The pending claims were submitted in Amendment "N" dated December 29, 2009 and were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Yokohama (EP 0522 538 A2) in view of Crowley (US 5,493,702). See the Office action at page 2.

Claim 1 requires a portable telephone including a portable telephone housing configured by a resin housing and a metal housing having a metal external surface forming an external surface of the telephone. The resin housing and metal housing are parts of the portable telephone.

Yokoyama is cited for teaching a portable telephone with a resin housing. The resin housing has a metal shielding case *located inside of the resin housing* (see Fig. 1). Yokoyama's telephone lacks an exterior metal housing.

Crowley's docking arrangement housing 16 is cited for teaching a metal housing. However, Crowley's docking arrangement housing 16 is not a part of a portable telephone, but a part of a docking arrangement for a portable telephone 12 (2:66-3:4). In Crowley, a portable telephone 12 having its own portable telephone housing is placed into the docking arrangement housing 16. Clearly, Crowley's docking arrangement housing 16 is not a part of a portable telephone.

Applicants submit that the cited combination of references merely teaches a portable telephone with a plastic housing, as taught by Yokoyama, and a separate, metal docking arrangement housing 16, as taught by Crowley. The cited references do not teach, or otherwise render foreseeable, a portable telephone including a portable telephone housing configured by a resin housing and a metal housing having a metal external surface forming an external surface of the portable telephone. Advantages provided by the claimed housing are rigidity and shock resistance without shielding an internal antenna.

Claim 1 further requires that the internal antenna be disposed on a rear surface of a printed circuit board and that the resin housing covers the rear surface of the printed circuit board, and that the metal housing forming an external surface of the telephone covers a front surface of the printed circuit board (the front and rear surfaces are two different surfaces of the printed circuit board). In the hypothetical combination of Yokoyama's telephone and Crowley's docking arrangement, Crowley's docking arrangement housing 16 and metal capacitive ground back plating 34 would cover the rear side of Yokoyama's plastic housing. As shown in Fig. 2, Crowley's housing 16 does not cover the front of a portable telephone. The front surface of Yokoyama's circuit board would be covered by Yokoyama's plastic housing and an internal shielding case, but not by any metal housing forming an external surface of the telephone.

Applicants submit that the cited references do not teach, or otherwise render foreseeable, a metal housing forming an external surface of the telephone and covering the front surface of the printed circuit board.

Moreover, claim 1 requires that the metal housing covers the front surface of the printed circuit board while leaving at least the part of the printed circuit board on which the internal antenna is disposed uncovered by the metal housing. In the hypothetical combination of Yokoyama's telephone and Crowley's docking arrangement, the internal antenna in Yokoyama's telephone would be located within Crowley's metal housing 16. Therefore, the internal antenna and the part of the circuit board on which the internal antenna is disposed would be covered by Crowley's metal housing 16. Accordingly, applicants submit that the cited references do not teach, or otherwise render foreseeable, a portable telephone housing configured by metal housing forming an external surface of the telephone that covers the front surface of a printed circuit board while leaving at least the part of the printed circuit board on which an internal antenna is disposed uncovered by the metal housing.

Applicants note that Crowley's docking system is part of an antenna transmission coupling arrangement for use with portable telephones having an external antenna (see Fig. 1). Crowley's coupling system shields the external antenna (3:7-14), permitting shielded use of the cellular telephone. Yokoyama's telephone has only an internal antenna and, therefore, is incompatible with Crowley's antenna transmission coupling arrangement. Accordingly, one of ordinary skill in the art would not place Yokoyama's telephone into Crowley's docking arrangement and would not combine these references as suggested in the Office action. Accordingly, applicants submit that the Examiner has not established a *prima facie* case for obviousness with respect to claim 1.

Further, the Examiner's reasons for why the invention would have been obvious (to make the phone structurally tough and strong at pages 3 and 4 of the Office action) are not found in the cited references, but in the present application. Yokoyama, for example, discusses the shielding case within the resin housing as prior art. In order to reduce the size and weight of the portable telephone, Yokoyama employs an electrically conductive film in its invention (1:35-41, 4:1-5). Therefore, Yokoyama teaches to use less metal in the telephone, not more, and effectively teaches away from the claimed invention. Neither reference teaches to make a portable telephone structurally tougher or stronger by employing a metal external housing and a resin housing. Accordingly, applicants submit that the Examiner has not established a *prima facie* case for obviousness with respect to claim 1.

In view of the above remarks, applicants respectfully submit that claim 1 is allowable over Yokoyama in view of Crowley. Claims 2-4, 9 and 10 depend from claim 1. The arguments provided above with respect to claim 1 also apply to claims 5-8 and 11.

Claims 10 and 11 were objected to for being dependent upon a rejected base claim, but include allowable subject matter.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-32439.

Respectfully submitted,
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